

COUNTY OF SUFFOLK



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DEPARTMENT OF LAW

February 16, 2022

Honorable Anne Y. Shields, U.S.M.J.
United States District Court, Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

RE: *Jacobs v. County of Suffolk, et al.*
21-cv-3268 (JS)(AYS)

Dear Judge Shields:

The Suffolk County Attorney's Office represents the County Defendants in the above-referenced case. Plaintiff is represented by Kenneth Auerbach and Amanda Spinner of Cartier, Bernstein, Auerbach and Steinberg, P.C. The parties are in receipt of the Court's Scheduling Order dated December 14, 2021 in which the Court directed that the parties exchange voluntary document production by February 14, 2022 and submit a joint status letter on or before today's date setting forth, *inter alia*, dates certain for the taking of all fact depositions, as well as a statement as to whether the parties will be using any experts in this matter, the number of such experts and the matters as to which they will testify. The Court additionally requested that the parties advise the Court as to whether they request its assistance with settlement or request a referral to the Eastern District mediation program. The parties respectfully request that the Court accept this correspondence as the required joint status report.

The parties engaged in voluntary document production by the February 14, 2022 deadline as the Court directed. As to the scheduling of fact depositions, the parties advise the Court that we hope to complete all fact depositions by July 1, 2022 given that first requests for production of documents and requests for interrogatories are due on April 11, 2022 and receipt of medical records as further described below is necessary to assess if depositions of Plaintiff's treating physician(s) will be conducted. As to whether the parties will be using any experts in this matter, the number of such experts and the matters as to which they will testify, it is the position of the parties that it is too soon for us to make that assessment. HIPAA-compliant releases were provided to Defendants by Plaintiff for six (6) total providers and were served immediately on them last month. To date, Defendants have only received responses from two (2) of the six (6) providers. Additionally, it is the position of the parties that in addition to needing to review the medical records to assess whether expert discovery will be necessary, we first need to depose the parties themselves. As to whether the parties will request the Court's assistance with settlement

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or request a referral to the Eastern District mediation program, at this time that remains uncertain. The parties agree that we will have a better idea of the answer to those questions once the depositions of the parties are conducted and the medical records received and reviewed so as to not waste the Court's time unnecessarily.

We thank the Court for its attention to this matter.

Very truly yours,

Dennis M. Cohen
County Attorney

/s/ Stacy A. Skorupa

By: Stacy A. Skorupa
Assistant County Attorney

Cartier, Bernstein, Auerback and Steinberg, P.C.
Attorneys for Plaintiff

/s/ Amanda Spinner

By: Amanda Spinner